UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
	X :
LEAD CREATION INC.,	: :
Plaintiff,	: 22-CV-10377 (JMF)
-V-	: ORDER
HANGZHOU YUEJI E-COMMERCE CO., LTD., et al.,	:
Defendants.	:
	X

JESSE M. FURMAN, United States District Judge:

As stated on the record during the teleconference held earlier today:

- Plaintiff's request to proceed on an *ex parte* basis, *see* ECF No. 2, is DENIED for failure to satisfy the requirements of Rule 65(b)(1)(A) of the Federal Rules of Civil Procedure. The Court reserves judgment on the motion for a temporary restraining order ("TRO") and preliminary injunction.
- Plaintiff's motion for alternative service by email, ECF No. 9, is GRANTED.
- Plaintiff shall serve the summons, complaint, TRO motion and all supporting papers, and a copy of this Order on Defendants no later than **December 19, 2022**, and shall file proof of service on the docket by **December 21, 2022**.
- Any opposition to Plaintiff's TRO motion shall be filed by **January 6, 2023**. Any reply shall be filed by **January 13, 2023**.
- The Court will hold a hearing to address Plaintiff's TRO motion on **January 18**, **2023**, **at 2:30 p.m.** To join the proceeding, the parties should call 888-363-4749 and use access code 542-1540#. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for telephone conferences described in the Court's Individual Rules and Practices, which are available at https://nysd.uscourts.gov/hon-jesse-m-furman. Among other things, those procedures require counsel to provide advance notice of who will participate in the conference and the telephone numbers they will use to participate.
- Plaintiff shall file a supplemental brief addressing the question of whether joinder of the five Defendants is proper, *see, e.g., In re EMC Corp.*, 677 F.3d 1351, 1357 & n.2

(Fed. Cir. 2012) ("[T]he mere fact that infringement of the same claims of the same patent is alleged does not support joinder, even though the claims would raise common questions of claim construction and patent invalidity." (collecting cases)); Williamson v. Verizon Commc'ns Inc., No. 11-CV-4948, 2013 WL 323992, at *1 (S.D.N.Y. Jan. 18, 2013) ("[T]he fact that two parties may manufacture or sell similar products, and these sales or production may have infringed the identical patent owned by the plaintiffs is not sufficient to join unrelated parties as defendants in the same lawsuit pursuant to Rule 20(a)." (quoting Pergo, Inc. v. Alloc, Inc., 262 F. Supp. 2d 122, 128 (S.D.N.Y. 2003)), on or before **December 30, 2022.**

United States District Judge

The Clerk of Court is directed to terminate ECF No. 9.

SO ORDERED.

Dated: December 16, 2022

New York, New York